

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, NOVEMBER 4, 2008
7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and lead the Pledge of Allegiance.

Council member Fravel gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A. Fravel, Jr.,
Council member Michael Grim, Council member James Harter.
Absent: Council member Joseph Hollis.

Staff present: Mike Kehoe, Town Administrator; Kathy Monk, Town Treasurer; Brian Henshaw,
Town Planner; Dianne MacMillan, Town Clerk; Charles Bockey, Chief of Police

Press: Jason Kane, Winchester Star; , Northern Virginia Daily

ACTION AGENDA

Council member Grim moved to adopt the agenda and the motion passed.

PUBLIC COMMENTS

None

MINUTES – October 7, 2008 Regular Meeting

Council member Grim moved for approval of the minutes of October 7, 2008 as presented and the motion carried by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Absent

TREASURER'S REPORT

The Mayor asked for questions or comments on the Treasurer's report and there were none. The Treasurer's report was accepted as presented. The Town Manager reported that personal property taxes were sent out on Monday and the real estate taxes would go out by week end.

POLICE REPORT

Mayor Ewing said the police report had been distributed, asked for any questions or comments and there were none. Council member Grim asked Chief Bockey if he had been able to follow up on the question of large trucks coming through town. The Chief said he had not met with DOT yet and would follow up as soon as possible. The police report was accepted as presented.

ACTION AGENDA

A. PUBLIC HEARINGS – Chapters 3, 4, 9 and 22 of the Town Code

Mayor Ewing introduced the public hearing on Chapters 3 and 4 which were a complete repeal and re-enactment of the chapters and amendments to Chapters 9 and 22. He stated that the amendment to Chapter 22 was to increase the water/sewer deposit from \$80.00 to \$100.00 and Chapter 9 was to adopt a business license fee for all businesses in town. He asked for comments from the public and Council on any or all of the changes to the town code. There being none, the public hearing was closed.

B. Joint Land Use Committee Proposal – Send to Planning Commission

Mayor Ewing asked the Town Planner to present the changes to the future land use plan from the Land Use Committee. Mr. Henshaw gave a brief synopsis advising that he thought the Committee had come up with a successful design and straight forward approach to the land use plan. Council reviewed the updated map and narrative. He said the process was a fair representation of County and Town desires and it achieved a better understanding of future land use for the annexation area. He said what was needed from Council was approval for the proposed changes to the Future Land Use Plan to go to the Planning Commission. He said if it went to the Planning Commission, it could have a Public Hearing in December and could come back to Council in January for approval. Mayor Ewing asked about conservation open space on one area of buffer along Route 11 South. Discussion ensued about the buffered area and property owners' rights to develop. The Mayor also questioned who would be responsible for maintenance of the buffer area. Council member Fravel noted that the land goes with the Lowes property and could be used as open space as required by the County. Mayor Ewing said he was still concerned about who would maintain this unimproved area and said this should be addressed. Council member Grim questioned the legality of zoning a piece of property and making it undevelopable and said that this be considered.

Vice Mayor Shull moved to send the Joint Land Use proposal to the Planning Commission with a request to address comments and concerns voiced by Council. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Absent

C. 1st and 2nd Readings of Amendments to Chapters 3, 4, 9 and 22 of Town Code

Mayor Ewing said in regard to the chapters of the Town Code subject of the public hearing, since Council did not receive a marked up copy of the current Chapters 3 and 4 as asked for at the last meeting, Council would postpone action on Chapters 3 and 4 until a later date.

An Ordinance Amending Chapter 22 - Increasing the Required Water/Sewer Deposit

Adoption of Amendment to Chapter 22, Sec 22-62(a) of the Town Code

Mayor Ewing said Chapter 22 dealt with the increase in water/sewer deposits. He noted that this change had been discussed at some length and it was recommended by water/sewer committee. Council member Grim moved to amend Chapter 22 and the motion passed.

Mayor Ewing asked that the Clerk read the ordinance by title only for the first reading. The Clerk read “An Ordinance to Amend Chapter 22 of the Code of the Town of Stephens City, Virginia for the purpose of increasing the water and sewer deposit from \$80.00 to \$100.00 in town and from \$100.00 to \$120.00 out of town”. Council member Grim moved to accept the first reading of the ordinance and the motion passed.

Mayor Ewing asked the Clerk to read the ordinance by title only for the second and final reading. The Clerk read “An Ordinance to Amend Chapter 22 of the Code of the Town of Stephens City, Virginia for the purpose of increasing the water and sewer deposit from \$80.00 to \$100.00 in town and from \$100.00 to \$120.00 out of town”.

Vice Mayor Shull moved that the Town Council amend chapter 22 of the Town Code to increase water/sewer deposits to \$100.00 in town and \$120.00 out of town. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Absent

An Ordinance to Amend Chapter 9 – Establishing a Business License Fee

Adoption of Amendment to Chapter 9, Sec 9-15 of the Town Code

Mayor Ewing said the amendment to Chapter 9 would establish a license fee of \$15.00 for each license except for flat fee based businesses. He advised that this was a license fee and not an additional tax. Council member Grim moved to amend the Chapter and the motion passed.

Mayor Ewing asked the Clerk to read the ordinance by title only for the first reading. The Clerk read “An Ordinance to Amend Chapter 9 of the Code of the Town of Stephens City, Virginia for the purpose of setting a fee for issuing a business license”. Council member Harter moved to approve the amendment on the first reading and the motion passed.

The Mayor asked the Clerk to read the amendment by title only for the second and final reading. The Clerk read “An Ordinance to Amend Chapter 9 of the Code of the Town of Stephens City, Virginia for the purpose of setting a fee for issuing a business license.”

Council member Fravel moved that the Council amend Chapter 9 of the Town code for the purpose of setting a fee for issuing a business licenses.” The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Absent

Mayor Ewing said both amendments would be effective immediately.

D. Council Authorization for North Main St Enhancement Grant Project Admin Agrmt

Mayor Ewing asked the Town Planner to explain the item. Mr. Henshaw said the town received an enhancement grant for design and planning in the amount of \$220,000.00 VDOT for north Main street improvements and explained that before the town can begin, the project administration agreement had to be signed. He said the agreement obligated the town to 20% local match of \$220,000.00. He noted that the town engineer would be utilized to do the design. Mayor noted that this was the grant that was already awarded in the spring of this year. Councilmember Fravel said proffers were planned to offset some of this cost. Mr. Henshaw said it will be an extended process and several proffers may apply. Council member Fravel moved to authorize the Town Manager or Mayor to sign the project administration agreement for the enhancement grant on behalf of the Town. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Absent

E. Create Additional Police Department Position

Mayor Ewing said estimates for the cost and funding for the position were distributed and asked for questions or comments. Council member Grim said it was obvious that the Town could afford this now but indicators were that revenue would be down next year. He added that it was a time when other places were looking at ways of cutting personnel and Stephens City seemed to be looking to add. He said that with not knowing which way things were going to go it seemed fiscally irresponsible to consider another position at this time. Town Manager, Mike Kehoe said that currently the fiscal budget looked well and the presence of a forth police officer on the street had been helpful in decreasing and identifying crime in the town. He added that if there had to be a cut next year because of the budget, the Town could do so then. Mayor Ewing said some revenue lines were up and new sources of revenue would be added over the next years. He added that there were indicators that business activity and building activity would begin to pick up. He added that the Public Safety Committee and Finance Committee had approved the addition. Mayor Ewing asked for a motion to create the fourth position. Council member Fravel moved to create this position but stated if things got drastic this would be the first position to be cut. Council member Grim asked why not wait until closer to next year's budget since financial indicators are still showing downturns. The motion passed with the following recorded vote

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Nay
Council member Harter	-	Abstain
Council member Hollis	-	Absent

F. Resolution – VRS Life Insurance Program

Mayor Ewing asked Mr. Kehoe to explain the proposal to Council. Mr. Kehoe said he had been reviewing the benefit programs and in checking found that VRS offered a very good life insurance program. He said the policy could be picked up by the employee after retirement. He said that the initial step is to adopt a resolution of intent and added that cost comparisons would be available later. Mayor Ewing stated that this was just a proposal at this time. Council member Grim moved to adopt the resolution (copy attached) to permit the town manager or mayor to enter into an agreement with VRS to provide life insurance to the Town employees. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Absent

G. Planning Commission By-Laws – Approval to Send to Planning Commission

Mayor Ewing asked Mr. Henshaw to give an overview of the by-laws. Mr. Henshaw said that it was an updating and re-visiting of the by-laws in effect since 1975 or 1976. He said some changes could be seen in procedural issues. He added that if Council agreed with the by-laws, the Planning Commission would adopt them formally. There was further discussion on wording. Mayor Ewing asked for a motion to forward the by-laws with noted changes to the Planning Commission for their adoption and Council member Fravel so moved. The motion carried.

COMMITTEE REPORTS

Mayor Ewing said that the committee reports were included in the packet and been addressed.

PLANNER'S REPORT – Brian Henshaw

Mr. Henshaw reported the Planning Commission acted on Russell-Stephens City rezoning recommending approval and representatives from Russell-Stephens City would attend the December Council Meeting with a preliminary presentation. He reported that the Planning Commission will combine their November and December meetings into one to be held on December 9th. Mr. Henshaw reported that he submitted the transportation enhancement grant application and had received notification that it was being considered and something should be known in March or April if it was awarded to the Town.

Mr. Henshaw noted that economic development being part of his duties, he had suggested the beginning of a Stephens City business association. He said it started with a small gathering with plans to have a larger function and anyone would be invited to hear a presentation on the proposed business association. He said the goal would be to get word out about what businesses Stephens City has and it would include the businesses in the general area. He noted that a lot of businesses wish to associate themselves with the Town. He said it would encourage people to shop locally. He stated that the presentation would be held on December 3rd to present the ideas of the association and would include light refreshments.

Mr. Henshaw further reported that some of the businesses were sponsoring an event - Christmas on the Commons which would be geared toward children, scheduled for December 6 from 3:30 to 6:00 culminating with a tree lighting. He said the event would include light crafts to create ornaments and caroling. He added that several local businesses acted to put this together. He said letters would be sent out to local businesses regarding both of these projects.

He added that he should have a draft of the Erosion and Sediment Control Ordinance for Council review in December.

TOWN MANAGER’S REPORT – Mike Kehoe

1. Mr. Kehoe reported that the Finance Committee had been discussing going with a permanent decal for cars and one requirement would be to enter into an agreement with the DMV to initiate stops on auto renewals until taxes are paid. He said he hoped to have information for Council to consider at the next meeting.

2. Mr. Kehoe noted that the painting of “Stephensburg” by Dorothy Henkel commissioned by the town for the 250th Anniversary was displayed on the wall behind the Mayor. He said the painting depicted the very early settlement of Stephens City. He reported that the painting was unveiled on Founder’s Day at the 250th Anniversary Celebration.

Mayor said prints are available for purchase.

COUNCIL COMMENTS/CALENDAR

Mr. Kehoe said the NHF meetings had been moved to Thursdays at 7 PM. Mayor Ewing said the meeting schedule would stand unless changes were needed later.

There being no further business, Council member Grim moved to adjourn at 8:25 p.m. and the motion carried.

Ray E. Ewing, Mayor Ray Ewing

Dianne L. MacMillan, CMC, Town Clerk